

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RUDOLPH CAREY III,

Plaintiff,

v.

Civil Case No. 1:21-cv-1090

NELSON SMITH, in his official capacity as
Commissioner of the Virginia Department of
Behavioral Health and Developmental
Services,

Defendant.

JOINT MOTION FOR ENTRY OF JUDGMENT

Under Fed. R. Civ. P. 58(d), the parties request that the Court enter judgment in this matter.

The Court entered an order granting in full Defendant's Motion to Dismiss under Rule 12(b)(1) on January 18, 2022. *See* ECF 19. The Court further entered an order denying Plaintiff's motion to reconsider that dismissal on August 1, 2022, *see* ECF 29, but no separate judgment was entered following either order, *cf.* Fed. R. Civ. P. 58(b)(1)(C) (requiring entry of judgment when court "denies all relief"). Plaintiff filed a notice of appeal on August 26, 2022. *See* ECF 30.

To ensure the appeal is free from any technical defects, *see* Fed. R. App. P. 4(a)(2), the parties ask that the Court enter a separate judgment.

DATED this 31st day of August 2022.

Respectfully submitted,

/s/ Paul Sherman

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Commissioner of the Virginia Department of Behavioral Health
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So Ordered

/s/ 

Leonie M. Brinkema
United States District Judge

9/1/22